

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

v.

NORTHWEST MOTORSPORT, INC.,  
Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and/or national origin, and to provide appropriate relief to Charging Party Bayani Salcedo, a former employee of Defendant Northwest Motorsport, Inc., who was adversely affected by such practices. Plaintiff United States Equal Employment Opportunity Commission alleges that Defendant subjected Mr. Salcedo to a hostile work environment based on his sex, male, and/or national origin, Filipino, and then constructively discharged him. Plaintiff seeks monetary and injunctive relief for Salcedo, including pecuniary damages, nonpecuniary compensatory damages, punitive damages, back pay, prejudgment interest, and reinstatement or front pay in lieu thereof.

COMPLAINT- Page 1 of 6

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6885  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

JURISDICTION AND VENUE

1           1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,  
2           1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of  
3           Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e-5(f)(1) and (3) (“Title  
4           VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.  
5

6           2. The employment practices alleged to be unlawful were committed within the  
7 jurisdiction of the United States District Court for the Western District of Washington.  
8

PARTIES

9           3. Plaintiff, the United States Equal Employment Opportunity Commission  
10           (“EEOC” or “the Commission”), is the agency of the United States of America charged with the  
11 administration, interpretation and enforcement of Title VII, and is expressly authorized to bring  
12 this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and 3.  
13

14           4. At all relevant times, Defendant Northwest Motorsport, Inc. (“Defendant”) has  
15 been a corporation continuously doing business in the State of Washington and employing at  
16 least fifteen (15) employees.  
17

18           5. At all relevant times, Defendant has continuously been an employer engaged in an  
19 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42  
20 U.S.C. §§2000e-(b), (g) and (h).  
21

STATEMENT OF CLAIMS

22           6. More than thirty (30) days prior to the institution of this lawsuit, Charging Party  
23 Bayani Salcedo (“Salcedo”) filed Charge No. 846-2010-30144 with the EEOC alleging  
24 violations of Title VII by Defendant. The Commission has fulfilled all conditions precedent to  
25

COMPLAINT- Page 2 of 6

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6885  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

1 the institution of this lawsuit, including investigation, determination of reasonable cause, and  
2 conciliation.

3 7. Since at least May 2009, Defendant engaged in unlawful employment practices of  
4 sex and/or national origin discrimination at its truck dealership in Puyallup, Washington, in  
5 violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a), by subjecting Charging Party  
6 Salcedo to a hostile, abusive, intimidating, and offensive work environment and constructive  
7 discharge because of his sex, male, and/or national origin, Filipino.

8 8. Mr. Salcedo was employed as an Internet Marketing Manager at the Puyallup  
9 location. Beginning in or about May 2009 and continuing through January 2010, Mr. Salcedo  
10 was regularly subjected to gender and ethnic slurs and comments by Defendant's General  
11 Manager. The conduct by the General Manager consisted of both verbal and texting comments.  
12 His unlawful conduct included, *inter alia*, obscene references to Mr. Salcedo's genitalia,  
13 salacious sexual comments about what the General Manager would do to Mr. Salcedo's wife,  
14 demeaning sexual statements about what Mr. Salcedo should do to himself, derogatory jokes  
15 about Mr. Salcedo's Filipino ethnicity, and intimidating remarks such as wanting to "kill" Mr.  
16 Salcedo.  
17

18 Mr. Salcedo complained about the General Manager's offensive and unwelcome conduct  
19 to one or more other managers, and one or more other managers witnessed or knew about his  
20 offensive conduct toward Mr. Salcedo, but Defendant failed to prevent or remedy the hostile  
21 work environment. The General Manager's offensive conduct continued unabated, resulting in  
22 conditions so intolerable that Mr. Salcedo was forced to resign his position on or about January  
23 30, 2010, thereby resulting in his constructive discharge.  
24  
25

COMPLAINT- Page 3 of 6

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6885  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

9. The effect of the practices complained of in paragraphs 7-8 above has been to deprive Mr. Salcedo of equal employment opportunities as an employee of Defendant because of his sex, male, and/or national origin, Filipino.

10. The unlawful employment practices complained of in paragraphs 7-8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7-8 above were done with malice or with reckless indifference to the federally protected rights of Mr. Salcedo.

## PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant and/or its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex and national origin against its employees.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make Bayani Salcedo whole by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices described in paragraphs 7-8 above, including but not limited to the reinstatement of Bayani Salcedo, or front pay compensation in lieu of reinstatement, in amounts to be determined at trial.

D. Order Defendant to make Bayani Salcedo whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7-8 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order Defendant to make Bayani Salcedo whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7-8 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Bayani Salcedo punitive damages for its malicious and reckless conduct described in paragraphs 7-8 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the EEOC its costs of this action.

**JURY TRIAL DEMAND**

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

DATED this 16<sup>th</sup> day of August, 2012.

**WILLIAM TAMAYO**  
Regional Attorney

P. DAVID LOPEZ  
General Counsel

**JOHN STANLEY**  
Supervisory Trial Attorney

JAMES L. LEE  
Deputy General Counsel

1  
2 REBECCA S. STITH  
3 Senior Trial Attorney  
4

GWENDOLYN Y. REAMS  
Associate General Counsel  
Office of the General Counsel  
131 "M" Street NE  
Washington, D.C. 20507

5 BY: /s/ William Tamayo  
6 EQUAL EMPLOYMENT OPPORTUNITY  
7 COMMISSION  
8 Seattle District Office  
9 909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
Telephone (206) 220-6915  
Facsimile (206) 220-6911

10  
11 Attorneys for Plaintiff EEOC  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMPLAINT- Page 6 of 6

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6885  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882